

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Fire Insurance Exchange,

NO. C 03-02643 JW

Plaintiff,

v.

**ORDER OF DISMISSAL**

GSW, Inc. et al.,

Defendants.

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This is a subrogation claim brought by Plaintiff Fire Insurance Exchange to recover funds it paid on behalf of its insured as a result of a residential fire. On September 26, 2005, the parties appeared before Magistrate Judge Seeborg for a settlement conference. Following the conference, Magistrate Judge Seeborg informed this Court that the parties had settled. Pursuant to the Court's Order to Show Cause re: Settlement, (Docket Item No. 49) the parties were ordered to appear before the Court on February 6, 2006 to show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(b). The Order further specified that failure to comply with the Order would be sufficient grounds to dismiss this action. Plaintiff did not appear at the hearing. Counsel for Defendants stated that a settlement check has been sent to Plaintiff, and that Plaintiff has signed a release requested by Defendants. Accordingly this action is dismissed pursuant to Rule 41(b). The Clerk shall close the file.

Dated: February 7, 2006

03cv2643dism

/s/ James Ware

JAMES WARE

United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Kenneth D. Simoncini [kds@simoncini-law.com](mailto:kds@simoncini-law.com)

Ronald L. Miller [LawOfficeRonaldLMiller@Yahoo.com](mailto:LawOfficeRonaldLMiller@Yahoo.com)

3 Steve W. Dollar [nritz@eakdl.com](mailto:nritz@eakdl.com)

4  
5 **Dated: February 6, 2006**

**Richard W. Wieking, Clerk**

6  
7 **By: \_\_\_\_\_/s/ JW Chambers\_\_\_\_**

**Melissa Peralta  
Courtroom Deputy**